

APPEAL NO. 022103
FILED SEPTEMBER 20, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 30, 2002. With respect to the single issue before her, the hearing officer determined that the compensable injury of _____, includes the cervical spine. In its appeal, the appellant (carrier) argues that the hearing officer's determination that the compensable injury includes the cervical spine is against the great weight of the evidence. In her response, the respondent (claimant) urges affirmance. The parties resolved a travel expense reimbursement issue by stipulating that the claimant is entitled to travel expense reimbursement for medical treatment at the direction of Dr. W in the amount of \$385.00 for travel in the period from August 3 to December 21, 2001.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury included the cervical spine. That issue presented a question of fact for the hearing officer. Section 410.165(a) provides that the hearing officer is the sole judge of the weight and credibility of the evidence. There was conflicting evidence on the issue of whether the claimant's compensable injury included the cervical spine. Two of the claimant's treating doctors opined that the cervical injury was caused by the trip and fall at work, while a doctor who examined the claimant at the request of the carrier opined that her cervical injury was degenerative in nature and was not causally related to her fall at work. The hearing officer was acting within her province as the fact finder in crediting the evidence from the claimant's treating doctors and in determining that the cervical injury was part of the compensable injury. Nothing in our review of the record demonstrates that the challenged determination is so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Margaret L. Turner
Appeals Judge